

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
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**EXECUTIVE SESSION**

Council met in Executive Session from 6:30 p.m. - 7:30 p.m. to discuss personnel issues.

The Council Meeting of the Borough of Wind Gap on Monday, November 3, 2014, was called to order at 7:30 p.m. by Council President George Hinton. In attendance were Councilmen: David Valley, Kerry Gassler, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone. Absent was Councilman Jon Faust.

Council President George Hinton informed those present that Council met in Executive Session prior to the meeting to discuss personnel issues and will continue the Executive Session following this meeting.

**PUBLIC COMMENT**

1. Lucy Flinn, representing the Christmas Tree Lighting Ceremony Committee, updated Council on the progress of securing help with hanging the lights in the Park. She is hoping that Rhonda Achenbach will be able to do it again this year, but if not, Rob Miller will assist on a Sunday afternoon. If Rob is not available, Lucy asked Council if the Borough street workers could help during the week. She anticipates scheduling the lights between November 10 and November 22, 2014. The tree lighting ceremony will be held on Sunday, November 30, 2014.

**APPROVAL OF MINUTES**

**On motion** by Kerry Gassler to approve the meeting minutes of October 21, 2014 and seconded by David Valley. Roll call vote taken. In favor: K. Gassler, D. Hess, G. Hinton, D. Valley, J. Weaver. Abstained: T. Curcio. Motion carried with a vote of 5-0-1.

**APPROVAL OF EXPENSES**

**On motion** by Kerry Gassler to approve the expenses for October 2014 in the amount of \$50,095.92 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

**SOLICITOR'S REPORT**

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of October are outlined in a report. The report includes the meetings attended as Borough Solicitor.

**Subdivision Matters:** Receipt, Review and Administration of Application, Plan, Review Letters and Related Documents re: Cortez Major Subdivision (First Street) - Preliminary and Final. Copy SALDO Waiver Request Form and fax transmission of form to Applicant's Engineer re: Cortez Major Subdivision (First Street) - Preliminary and Final.

**Land Development Matters:** Receipt, Review and Administration of Plan, Review Letters, SALDO Waiver Request Correspondence and Related Documents re: West Street L.D. Plan (Muschlitz Quarry) - Preliminary and Final. Preparation of Recommendation/Grant SALSO Waiver Request Form and e-mail transmission to Borough Administration, Borough Administrator and Applicant's Engineer re: West Street L.D. Plan (Muschlitz Quarry) - Preliminary and Final.

**Zoning and Other Land Use Matters:**

Preparation of Revisions to Park Master Site Plan - Consulting Agreement.

Comprehensive Telephone Conversation with Borough EIT B. Pysher re: Protocol in Enforcement Notice vs. Citation Procedure under the Nuisance Ordinance, Motor Vehicle Ordinance and related matters.

Computer Search of County Website for Tax Parcel and Deed Information re: 59-61 Lehigh Avenue.

**Developments on Outstanding Litigation:** N/A.

**Court Decisions on Borough Cases:** N/A.

**Miscellaneous:**

Preparation of Borough Planning Commission Meeting Minutes of September 11 and October 2, 2014.

E-mail transmission to Borough Administration re: Borough's Pension Contribution and MMO for Calendar Year 2015.

Preparation of Resolution No. 2014-03 - Slate YMCA Belt Grant Application.

Receipt, Review and Administration of Correspondence from Cohen Law Group and Responsive Correspondence re: SECTV Cable Franchise Agreement.

Preparation of Monthly Solicitor's Report for October 2014.

**Outstanding Items:**

Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments.

Stop Sign Ordinance - awaiting Engineering Study from Borough Engineer.

Dog Park Ordinance – awaiting final work as to location and dimensions.

Fire Company Ordinance

Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending.

Ordinance for loitering, begging, and panhandling – pending but inactive.

Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive.

Attorney Karasek stated that he completed the Resolution in support of the grant application for the Slate Belt YMCA.

Attorney Karasek contacted Attorney Cohan, Cohen and Associates, regarding the cable franchise agreement with Service Electric. Attorney Cohen will review the agreement and contact the Borough. Depending upon the potential increase revenue from a new agreement, the cost for Cohen and Associates professional service could be approximately \$7,800.

He met with Brian Pysher to discuss and review the enforcement and citation issues related to Code Officer enforcement in the Borough.

**ENGINEER'S REPORT**

Brian Pysher reported that he met with Attorney Karasek to review the nuisance ordinance and determine the responsibility and enforcement of the Code Official. Attorney Karasek recommended that Borough Council adopt a resolution specifically identifying the Zoning Officer as the Code Official.

**On motion** by Joe Weaver to authorize a resolution be drafted for enactment at the mid-month meeting appointing the Borough Zoning Officer or the Alternate Zoning Officer as the Borough Code Official and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Brian advised that if the Borough does hire a new Zoning Officer, the job description should include acting as the Code Official. He reported that he has sent out enforcement notices to property owners in violation of the ordinance and if the situation is not rectified, he will issue citations. The owner of 61 Lehigh Avenue has passed away and currently no estate has been established. The Borough cannot go after the "heirs" until an estate has been set up. Attorney Karasek explained that a creditor(s) or someone who has an interest, can force the heirs to open an estate. A citation is issued against the heirs, so there is someone to send notices and bring claims against. There are costs associated with this procedure because there are attorney fees and court proceeding fees. Attorney Karasek will check to verify the status of an estate and send a "friendly" letter informing the heirs of their responsibility regarding the property. He asked for the specifics regarding what on the property needs to be cleaned up so he can include a list in the letter. Brian will provide Attorney Karasek with the addresses in order to contact the heirs.

Brian has notified the property owners at 59 Lehigh Avenue to clean up their property and gave them fifteen (15) days. He asked how he should proceed now that the property is not being cleaned up. Brian will send them another letter giving them fifteen (15) days and then issue a citation.

Brian has to determine if the car is parked in the alley or is parked on the property.

There are several small items related to zoning that has been on hold for a long time so Brian suggested putting a committee together to finalize some of these changes to the ordinance.

Brian reported that the list for the building is getting shorter. The final mechanical inspection has been completed by PA Labor and Industry. SuperHeat still has to provide the spreadsheet that shows the system is balanced. There are still a couple small electrical issues to be completed prior to the electrical inspection. All the exterior lights have been installed. The electrical panel has to be labeled prior to the electrical inspection. The new council table has been installed. He is still working on the key fob system, but that installation is not necessary in order to obtain the certificate of occupancy.

David Valley asked if Matt had contacted Brian regarding the swing set installation. Brian stated that he has not been in contact with Matt and has not had a chance to look at the proposed area at the park for the swings. Joe stated that the intention was for the street workers to do the excavation work, which will be approximately 47'X50'. Brian said that this will be an extensive project because there will be significant dirt removed from a hole. The hole will have to be 24" deep in order to install the 12" of stone, for property drainage, and 12" of mulch. Brian will attempt to contact Matt Dietz this week.

Kerry asked for an update on 170 North Broadway. Brian replied that after the last meeting, the resident who he was instructed to visit was taken by ambulance to the hospital and he is not sure if she has returned home. He will go to the property to try and do an inspection sometime this week.

## **NEW BUSINESS**

1. LVPC - Recognition of Award for Multi-Municipal Projects. Dave Hess reported that on October 23, 2014, several members of the State Belt Regional Police Commission attended the Lehigh Valley Planning Commission inaugural banquet and award ceremony. The Regional Police Commission was nominated under the category of multi-municipal projects and Plainfield Township, Pen Argyl Borough and Wind Gap Borough won the category. All the municipalities were presented with citations from State Representative Marcia Hahn, State Senators Lisa Boscola and Patrick Browne and Congressman Matt Cartwright.

## **OLD BUSINESS**

There was no Old Business before Council at this time.

## EXECUTIVE SESSION

Council adjourned to Executive Session to discuss personnel issues at 8:15 p.m. Council reconvened at 8:20 p.m. George Hinton informed those present that Council has set a deadline of this Friday in order to discuss different ideas.

**On motion** by Joe Weaver to honor the unsigned contract and agree to reimburse Chief Armitage half of his medical premium starting in 2015, with a not-to-exceed amount of \$4,020 with a not-to-exceed 5% increase per year until he is of age for Medicare, consistent with the current policy or equivalent. Motion died for a lack of a second.

Chief Armitage informed Council that he needs an answer by Friday in order to be eligible for coverage under his wife's policy.

In light of the fact that Chief Armitage asked for an opinion tonight, Council adjourned to Executive Session to further discuss this personnel issue at 8:25 p.m. Council reconvened at 8:31.

**On motion** by Dave Hess to offer Chief Armitage a \$20,000 buyout for his medical health insurance premiums, conditioned upon his retirement from the Wind Gap Police Department and his entry into a severance agreement with the Borough, approved by the Borough Solicitor with respect to how the medical buyout is paid and the payment of any unused sick days, return of equipment, etc. and seconded by Tony Curcio. Roll call vote taken. In favor: G. Hinton, D. Valley, T. Curcio, D. Hess. Opposed: J. Weaver. Abstained: K. Gassler. Motion carried with a vote of 4-1-1.

**On motion** by Tony Curcio to adjourn the meeting of November 3, 2014. Council agreed unanimously.

The meeting of November 3, 2014 adjourned at 8:35 p.m.

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Louise Firestone, Borough Administrator